

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

**LAURA ALLEN, INDIVIDUALLY; And As
ADMINISTRATRIX OF THE ESTATE
OF DAN ALLEN; And AS NEXT FRIEND
OF TAYLOR ALLEN AND DANIELLE
ALLEN; And MARK ALLEN,**

Plaintiffs;

v.

**MARTIN SURFACING, INC.; MARTIN
SURFACING, A Division of SOUTHWEST
RECREATION; SOUTHWEST
RECREATIONAL INDUSTRIES, INC., d/b/a
MARTIN SURFACING; REED J. SEATON;
ROBERT N. WOLESENSKY, JR.;
DYNAMIC SPORTS CONSTRUCTION, INC.;
AND DOES,**

Defendants.

**CIVIL ACTION
No.: 05-40048**

PLAINTIFFS' PROPOSED SCHEDULING ORDER

Plaintiffs, by and through their substitute counsel, Michael R. Hugo and Anthony Tarricone, respectfully ask that this Honorable Court enter the following dates as the replacement scheduling order in this action. It is not the intent of the substitute counsel to cause further delay, but their intent is to be afforded a full and fair opportunity to determine the proper identity of the correct parties to this action and to dismiss all inappropriate parties in a timely and proper manner. In order to do so, substitute counsel requires a short learning curve, followed by a brief discovery period.

Accordingly, the Plaintiffs suggest and ask for the adoption of the following schedule:

1. **Stay of Proceedings:** To enable substitute counsel to conduct “due diligence” and to familiarize themselves with the proceedings to date: **44 Days, expiring on March 31, 2006.** Nothing in this portion of the order is intended to preclude the plaintiff from conducting formal discovery prior to the expiration of this Stay of Proceedings.
2. **Phase One Discovery** (as defined in the Scheduling Order entered September 19, 2005):
 - a. All non-redundant requests for production of documents, requests for admission and interrogatories, must be served by 30 days thereafter, **May 1, 2006.**
 - b. All depositions pertaining to phase one, with the exception of expert depositions must be completed prior to **June 16, 2006.**
3. **Status Conference:** The **ORDER** setting the status conference set for March 8, 2006 at 3:00 P.M. is **HEREBY VACATED.** A status conference will be held on _____ at _____.
_____ at _____.
4. **Motions as to Phase One:**
 - a. Motions such as those for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by **June 30, 2006.**
 - b. Oppositions to motions and any reply or sur-reply shall be subject to time periods as set forth in the Federal Rules of Civil Procedure.

The Plaintiffs would ask that the Court adopt provisions 5 – 9, as written in the September 19, 2005, ORDER.

Dated: February 14, 2006

Respectfully Submitted,
The Plaintiffs,
By their counsel

/S/ Michael R. Hugo
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CERTIFICATE OF SERVICE

I, Michael R. Hugo, certify that on this 14th day of February, 2006, I caused all counsel of record to be served the within PLAINTIFFS' PROPOSED SCHEDULING ORDER, via the Electronic Court Filing system.

/S/ Michael R. Hugo